

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:10-HC-2235-FL

MARQUEION JAMAL HARRISON, )

)

Petitioner, )

)

v. )

ORDER

)

HALIFAX COUNTY SUPERIOR )

COURT AND WILLIE DAVIS, )

)

Respondent.

Petitioner, a state inmate, petitions this court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 8, 2011, the court dismissed the action without prejudice pursuant to respondent's motion to dismiss. The matter now is before the court on petitioner's motion requesting bail or bond (DE # 34). Respondent has not responded to petitioner's motion. In this posture, the matter is ripe for adjudication.

Petitioner requests bail or bond pending the disposition of his appeal in the Fourth Circuit Court of Appeals. A notice of appeal divests a district court's jurisdiction over a matter, while conferring jurisdiction on the court of appeals. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58-59 (1982) (per curiam). Because petitioner filed a notice of appeal and this court no longer has jurisdiction over his claim, his motion for bail or bond (DE # 34) is DENIED.

SO ORDERED, this the 16th day of May, 2012.

/s/ Louise W. Flanagan

LOUISE W. FLANAGAN

United States District Judge